IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2638 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

B G PARMAR

Versus

PRINCIPAL

Appearance:

MR CL SONI for Petitioners
MR HD DAVE, ASST. GOVT. PLEADER for Respondent No. 1
..... for Respondent No. 2

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 17/09/2002

ORAL JUDGEMENT

1. Rule, returnable today. Mr. H.D. Dave, learned counsel waives service of notice of rule for the respondents.

2. On a careful perusal of the petition and on hearing learned counsel for the respective parties, it is obvious that the petitioners only desire that they should be treated equally with other persons who have been considered for appointment. In substance, therefore, what the petitioners desire is that they should be considered by the respondents for appointment to the Class IV post, even if such appointment can only be made on an adhoc basis pending appointment following the appropriate selection procedure.

3. Learned counsel for the respondents is unable to offer any legitimate resistance to this request for being considered for appointment as aforesaid.

4. Consequently, it is held and directed that the respondents shall consider the petitioners for appointment [even if it is an adhoc appointment] to the Class IV Post, which they were holding at the relevant point of time and to take a decision in this regard in the light of the facts and circumstance brought on record in the present petition, and in accordance with law, pending regular appointment of candidates by following the prescribed selection procedure.

5. It is expected that this exercise shall be completed by the respondents within three months from today.

5. Rule is partly made absolute to the aforesaid extent, with no orders as to costs. Direct service is permitted.

(Y.B. BHATT, J.)
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